

UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
FORTH WORTH DIVISION

CONSUMER FINANCIAL PROTECTION
BUREAU,

Plaintiff,

v.

FIRSTCASH, INC., *et al*,

Defendants.

Civil Action No. 4:21-cv-01251-P

AGREED MOTION TO STAY PROCEEDINGS

Plaintiff Consumer Financial Protection Bureau (“CFPB”) and defendants FirstCash, Inc.; Cash America West, Inc.; FCFS AL, Inc.; Cash America East, Inc.; Cash America Inc. of Alaska; Georgia Cash America, Inc.; FCFS IN, Inc.; FCFS TN, Inc.; FCFS OH, Inc.; FCFS KY, Inc.; Cash America, Inc. of Louisiana; FCFS MO, Inc.; Cash America of Missouri, Inc.; Cash America, Inc. of North Carolina; FCFS NC, Inc.; FCFS OK, Inc.; FCFS SC, Inc.; Pawn TX, Inc.; Cash America Pawn L.P.; and Cash America Advance, Inc. (collectively, “FirstCash” and together with the CFPB, the “Parties”) file this agreed motion seeking entry of an order staying the above-styled action pending resolution of further appellate activity in *Community Financial Services Association of America Ltd. v. CFPB*, No. 21-50286 (5th Cir. Oct. 19, 2022) (“*Community Financial*”).

In support thereof, the Parties would show:

1. The CFPB instituted this action on November 12, 2021 (ECF No. 1) asserting claims against defendants FirstCash, Inc. and Cash America West, Inc. The

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CFPB filed an amended complaint on June 21, 2022 (ECF No. 51) asserting claims against all defendants.

2. On October 19, 2022, the Fifth Circuit published its opinion in *Community Financial*. That panel decision held that the CFPB's statutory funding mechanism violates the Appropriations Clause and the constitutional separation of powers.

3. On October 24, 2022, FirstCash filed a Notice of Supplemental Authority bringing the *Community Financial* opinion to this Court's attention (ECF No. 63). Later that day, FirstCash filed a motion for judgment on the pleadings, asserting that the CFPB's action should be dismissed because its funding structure violates the Appropriations Clause and constitutional separation of powers (ECF No. 64).

4. In light of the *Community Financial* decision, the Parties met and conferred and agreed to jointly seek a stay of this matter pending further appellate activity in *Community Financial*, as more particularly described in paragraph 6 below.

5. There is good cause for the stay and it will promote efficient resolution of the case.

6. The Parties thus submit this agreed motion and respectfully request that the Court enter an order providing that:

- a. All further proceedings in this action shall be stayed until after the Fifth Circuit issues its mandate in *Community Financial* and the time to seek a writ of certiorari from the United States Supreme Court has run;

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- b. Should any party in *Community Financial* file a timely petition for a writ of certiorari, this action shall remain stayed until after the Supreme Court's final disposition of the petition;
 - c. If the Supreme Court grants certiorari in *Community Financial*, this action shall remain stayed until the Supreme Court has issued a decision on the merits or otherwise has concluded its review of the case;
 - d. The Scheduling Order (ECF No. 37, as modified by ECF No. 62), including all associated deadlines, is hereby vacated;
 - e. Any party may move the Court to extend the stay or to lift the stay before it expires on its own terms, upon a showing of good cause; and
 - f. The Parties shall file a Joint Report within 45 days of the conclusion of the stay. The Joint Report shall contain statements of how the Parties wish to proceed.
7. The agreed stay is sought in good faith and not for the purpose of delay, but rather so the interests of justice can be served.

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8. This is the first joint request to stay the action.

Dated: November 4, 2022.

/s/ Michael J. Agoglia

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FILER'S ATTESTATION

I, Michael J. Agoglia, am the ECF User whose ID and password are being used to file this document. In compliance with Civil L.R. 5-1(i)(3), I hereby attest that all counsel have concurred in this filing.

/s/ Michael J. Agoglia
Michael J. Agoglia

CERTIFICATE OF SERVICE

I hereby certify that, on November 4, 2022, I caused a true and correct copy of this document to be served upon counsel of record for plaintiff Consumer Financial Protection Bureau by filing with the Court's electronic-filing system.

/s/ Michael J. Agoglia
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